

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Klemens KIENINGER et al.

Serial No.: 10/523,752

Filed: February 8, 2005

For: Suction Jet Pump

Examiner: Charles Grant Freay

Group Art: 3746

Confirmation No. 2727

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

SIR:

In addition to the Examiner considering the amendments and remarks set forth in the response dated March 24, 2010, Applicants request that the Examiner consider the following with respect to EP 1378670 ("Engels") cited in the Advisory Action dated April 8, 2010.

The present application has a national phase entry date of Feb 8, 2005 and an international filing date of June 30, 2003, claiming priority to a German application dated August 9, 2002. An international application designating the U.S. has the effect, from the international filing date, of a national application for Patent regularly filed in the United States Patent & Trademark Office. As such, the present application can be considered to have a U.S. filing date of June 30, 2003.

Engels, cited by the Examiner in the Advisory Action, has a publication date of January 4, 2007. Engels claims priority to DE 200210291, which was published in Germany on

January 22, 2004. Thus, neither Engels, nor its priority document, is prior art to the present application. Therefore, Engels should not be the basis of any rejection in the present application.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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